

10-28-02

Image  
RCE 1600

Express Mail Mailing Label N . EV260610398US

**REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL**

ADDRESS TO: Mail Stop RCE

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

|                      |                   |
|----------------------|-------------------|
| Application No.      | 09/514,865        |
| Filing Date          | February 28, 2000 |
| First Named Inventor | Shuber            |
| Group Art Unit       | 1634              |
| Examiner Name        | Sakelaris, S.     |
| Attorney Docket No.  | EXT-036 (2457/32) |

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

**NOTES**

**RCE v. CPA:** 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53(d) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA.

**FEE AND SUBMISSION REQUIRED:** A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111 (see 37 C.F.R. 1.114 (c)).

**RCE APPLIES TO:** An application in which prosecution is closed (see 37 C.F.R. § 1.114 (b)).

**RCE DOES NOT APPLY TO:** (1) A provisional application; (2) an application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995; (3) an international application filed under 35 U.S.C. 363 before June 8, 1995; (4) an application for a design patent; or (5) a patent under reexamination (see 37 C.F.R. 1.114(e)).

**1. SUBMISSION REQUIRED UNDER 37 C.F.R. § 1.114**


- a. ☐ Enter and consider the unentered amendment under 37 C.F.R. § 1.116 previously filed on \_\_\_\_.
- b. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_.
- c. ☐ Amendment/Response enclosed.
- d. ☐ Affidavit(s)/Declaration(s) enclosed.
- e. ☒ Supplemental Information Disclosure Statement (IDS) enclosed.
  - i. ☒ PTO-1449
  - ii. ☒ Copies of IDS Citations (A118-A128, B112-B117, and C178-C181)
- f. ☐ Other:

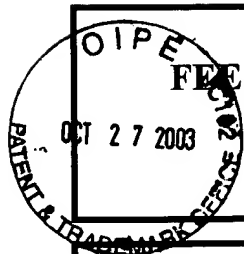
**2. RCE FEE REQUIRED UNDER 37 C.F.R. § 1.114**

- a. ☐ Small entity status
  - i. ☐ was established in the prior nonprovisional application.
  - ii. ☐ is established herewith by the enclosed written assertion of entitlement to small entity status.
- b. ☐ A Petition and Fee for Extension of Time for \_\_\_\_ months up to and including \_\_\_\_ is enclosed herewith.
- c. ☒ A check in the amount of \$ 770.00 is enclosed.
- d. ☐ The Commissioner is hereby authorized to charge the required fee(s), i.e., \$ \_\_\_\_, to Deposit Account No. 20-0531.
- e. ☒ The Commissioner is hereby authorized to credit overpayments or charge any additional fees required for this submission under 37 C.F.R. §§ 1.16 and 1.17 to Deposit Account No. 20-0531.

**3. MISCELLANEOUS**

- a. ☒ Return Receipt Postcard enclosed.  
b. ☒ Other: Fee Transmittal.

| CORRESPONDENCE ADDRESS   | SIGNATURE BLOCK   |
|--|---|
| <p>Direct all correspondence to: Patent Administrator<br/>Testa, Hurwitz &amp; Thibault, LLP<br/>High Street Tower<br/>125 High Street<br/>Boston, MA 02110<br/>Tel. No.: (617) 248-7000<br/>Fax No.: (617) 248-7100</p> | <p>Respectfully submitted,</p> <p><br/>Jennifer Grant Moitoso<br/>Attorney for Applicant(s)<br/>Testa, Hurwitz &amp; Thibault, LLP<br/>High Street Tower<br/>125 High Street<br/>Boston, MA 02110</p> <p>Date: October 27, 2003<br/>Reg. No. 51,752<br/>Tel. No.: (617) 310-8423<br/>Fax No.: (617) 248-7100</p> |



# **FEE TRANSMITTAL** FY 2004

Complete if Known

|                           |                   |
|---------------------------|-------------------|
| Application Serial Number | 09/514,865        |
| Filing Date               | February 28, 2000 |
| First Named Inventor      | Shuber            |
| Group Art Unit            | 1634              |
| Examiner Name             | S. Sakelaris      |
| Attorney Docket No.       | EXT-036           |

**METHOD OF PAYMENT**

1. ☒ Payment Enclosed:  
☒ Check ☐ Money Order ☐ Other
2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below for this submission to Deposit Account No. 20-0531.  
☐ Required Fees (copy of this sheet enclosed).  
☒ Additional fee required under 37 CFR 1.16 and 1.17.  
☒ Overpayment Credit.
3. ☐ Applicant claims small entity status.

**FEE CALCULATION****1. FILING FEE****Large Entity**

| Fee (\$) | Fee Description        | Fee Paid |
|----------|------------------------|----------|
| 770      | Utility filing fee     |          |
| 340      | Design filing fee      |          |
| 160      | Provisional filing fee |          |

| Number Filed | Number Extra | Rate | Amount |
|--------------|--------------|------|--------|
|--------------|--------------|------|--------|

Total Claims - 20 = x \$ 18.00 =

Independent Claims - 3 = x \$ 86.00 =

☐ Multiple Dependent Claim(s), if any \$290.00 =

TOTAL:

SMALL ENTITY DISCOUNT:

SUBTOTAL (1) (\$ ) 0

**2. AMENDMENT CLAIM FEES**

| Claims Remaining After Amend. | Highest No. Previously Paid For | Present Extra | Rate | Fee Paid |
|-------------------------------|---------------------------------|---------------|------|----------|
|-------------------------------|---------------------------------|---------------|------|----------|

Total - = x \$ 18.00 =

Indep. - = x \$ 86.00 =

☐ First Presentation of Multiple Dep. Claim + \$290.00 =

TOTAL: (\$)

SMALL ENTITY DISCOUNT: (\$)

SUBTOTAL (2) (\$ ) 0

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

| Large Entity Fee (\$) | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 130                   | 65                    | Surcharge - late filing fee or oath                            |          |
| 50                    | 25                    | Surcharge - late provisional filing fee or cover sheet         |          |
| 130                   | 130                   | Non-English specification                                      |          |
| 2,520                 | 2,520                 | Request for ex parte reexamination                             |          |
| 110                   | 55                    | Extension for reply within first month                         |          |
| 420                   | 210                   | Extension for reply within second month                        |          |
| 950                   | 475                   | Extension for reply within third month                         |          |
| 1480                  | 740                   | Extension for reply within fourth month                        |          |
| 2010                  | 1005                  | Extension for reply within fifth month                         |          |
| 330                   | 165                   | Notice of Appeal   |          |
| 330                   | 165                   | Filing a brief in support of an appeal                         |          |
| 290                   | 145                   | Request for oral hearing                                       |          |
| 130                   | 130                   | Petitions to the Commissioner                                  |          |
| 180                   | 180                   | Submission of Information Disclosure Statement                 |          |
| 770                   | 385                   | Filing a submission after final rejection (37 CFR 1.129(a))    |          |
| 770                   | 385                   | For each additional invention to be examined (37 CFR 1.129(b)) |          |
| 100                   | 100                   | Certificate of Correction for applicant's error                |          |
| 110                   | 55                    | Submission of Terminal Disclaimer                              |          |
| Other fee (Specify)   |                       | Request for Continued Examination                              | 770.00   |
| Other fee (Specify)   |                       |  |          |

SUBTOTAL (3) (\$ ) 770.00

SUBTOTAL (1) 0

SUBTOTAL (2) 0

SUBTOTAL (3) 770.00

TOTAL (\$ ) 770.00

**CORRESPONDENCE ADDRESS**

Direct all correspondence to:

Patent Administrator  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110  
 Tel. No.: (617) 248-7000  
 Fax No.: (617) 248-7100

**SIGNATURE BLOCK**

Respectfully submitted,

Date: October 27, 2003  
 Reg. No.: 51,752  
 Tel. No.: (617) 310-8423  
 Fax No.: (617) 248-7100

*Jennifer Grant Moitoso*  
 Jennifer Grant Moitoso  
 Attorney for the Applicant  
 Testa, Hurwitz & Thibault, LLP  
 High Street Tower-125 High Street  
 Boston, MA 02110